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ATTORNEYS AT LAW

August 9, 2013

Ms. Jocelyn Samuels
Acting Assistant Attorney General
U.S. Department of Justice
Office of Civil Rights
950 Pennsylvania Ave NW
Washington, DC 20530

VIA CMRRR

Certified Article Number

7196 9008 9111 6504 7017

SENDERS RECORD

RE: Title VI Complaint: Discriminatory land use practices and issues of environmental justice by Waller County, Texas, in the Permitting of Pintail Landfill/Transfer Station in Hempstead, Waller County, Texas;

Title VI Complaint – Texas Commission of Environmental Quality (TCEQ) Final Approval of Transfer Station Registration No. 40259.

Dear Ms. Samuels:

The racial minority City Councilmembers of the City of Hempstead, Waller County, Texas (the “City”), now file this Complaint with the United States Department of Justice in response to the discriminatory land use practices and infringement upon environmental justice by the Texas Commission of Environmental Quality (the “TCEQ”) and by Waller County, Texas (“Waller County”). The following Complainants were duly elected by the citizens of the City and, as such, act on behalf of the City as Mayor and City Councilmembers and as African-American residents (“Complainants”) affected by the discriminatory land use practices and infringement upon environmental justice by the TCEQ and Waller County:

Mayor:

Michael S. Wolfe, Sr. African-American

Councilmembers:

Emma Washington African-American
Katherine Ragston African-American
Charles Tompkins, Jr. African-American

Each elected official is a resident of the City and is African-American. These officials believe that it is necessary to file this Complaint with the Department of Justice in order to protect the ~~health, safety and welfare of the citizens of the City and to combat discriminatory land use~~ practices and infringement upon environmental justice by the TCEQ and Waller County. The



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Complainants believe that actions taken by the TCEQ and Waller County negatively impact the residents of the City in general, whom the officials have taken an oath to protect, and, adversely and disparately impact the City's minority groups African-Americans and Hispanics, in particular. The Complainants are represented by the undersigned. All contact with the Complainants should be made through the undersigned or with the express permission of the undersigned.

I. Summary of Claims

On February 13, 2013, Waller County, Texas adopted the Ordinance and entered into the Host Agreement with Pintail Landfill, LLC, allowing a municipal solid waste landfill and transfer station to be located within the City's ETJ despite the hundreds of persons attending the public hearing in protest of the landfill and transfer station. *See EXHIBIT A* - Waller County Ordinance No. 2013-001 (the "Ordinance") and Host Agreement between Waller County and Pintail Landfill, LLC (the "Host Agreement"); *see also EXHIBIT L* - February 2013 news articles. Land use decisions, like the Ordinance adopted by Waller County, that on their face are race neutral, routinely allow communities of color and poor communities to be used for industrial and environmentally adverse uses. Frequently, discrimination results from policies and practices that are neutral on their face, but have the effect of discriminating against communities of color. Facially neutral policies or practices that result in discriminatory effects violate Title VI regulations, unless it is shown that they are justified and that there is not a less discriminatory alternative. The landfill/transfer station will adversely and disproportionately affect the minority population of the City and nearby areas. Waller County, as a recipient of federal funds, as well as the Federal and State agencies through which those funds pass to Waller County, have a statutory duty to ensure that land use decisions do not adversely affect minorities in the City of Hempstead area. Waller County ignored the information provided at the public hearing and failed to inform the state and federal agencies of the discriminatory impact the Ordinance will have on the minority community within the City and nearby areas.